

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

KEVIN KILELEE.,

Plaintiff

v.

DOW CHEMICAL COMPANY

Defendant


Docket # 04-CV 12130-MEL

## MOTION FOR LEAVE TO AMEND THE COMPLAINT

Pursuant to Rule 15(a) Fed.R.Civ.P., the plaintiff respectfully requests leave to amend his complaint by filing his FIRST AMENDED COMPLAINT enclosed herewith and states as reasons the underlying facts or circumstances relied upon in the amended complaint is a proper subject of relief under ERISA and there has not been undue delay in bringing this first amendment to cure deficiencies raised by the defendants motion to dismiss.

Respectfully Submitted,  
DAVID G. PRENTISS, P.C.  
By:

Dated: January 13, 2005

  
David G. Prentiss  
700 Pleasant Street  
New Bedford, MA 02740  
(508) 994-3200  
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CERTIFICATE OF SERVICE

I hereby certify that I have this date served a true copy of the attached document and the FIRST AMENDMENT TO THE COMPLAINT to the following counsel of record by: FIRST CLASS MAIL, POSTAGE PREPAID as follows on the date above written:

Kristin G. McGurn, Esq.  
Seyfarth & Shaw  
World Trade Center East  
Two Seaport Lane  
Boston, MA 02110-2028

A handwritten signature in black ink, appearing to read "D. G. Prentiss", is written over a horizontal line.

David G. Prentiss

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